

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2015071058

GRANTING MOTION TO RESET
PROCEDURAL TIMELINES

On July 31, 2015, Long Beach Unified School District filed with the Office of Administrative Hearings a Request to Reset Hearing Dates, because Student did not serve it with a copy of the complaint on July 9, 2015. On July 31, 2015, Student filed a response that did not oppose the motion, admitting that due to an oversight Student's legal counsel did not serve District with a copy of the complaint until July 27, 2015.

APPLICABLE LAW, DISCUSSION AND ORDER

The Individuals with Disabilities Education Act of 2004 (20 U.S.C. § 1400, et. seq.) provides that a party may not have a due process hearing until the notice of a due process hearing request meets the specifications listed in Section 1415(b)(7)(A). (20 U.S.C. § 1415(b)(7)(B).) Further, Section 1415(c)(2)(A) requires the party requesting the due process hearing serve a copy of the complaint on the opposing party.

Title 34 Code of Federal Regulations part 300.515(a)(1) (2006), and Education Code sections 56502, subdivision (f), and 56505, subdivision (f), require that the hearing be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. Speedy resolution of the due process hearing is mandated by law and continuance of due process hearings may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

As the parties do not dispute that Student accidentally failed to serve District with a copy of the complaint until July 27, 2015, District's motion to reset the procedural timelines is granted. The procedural timelines will be reset as of July 27, 2015. All previously

scheduled dates are vacated, and OAH will issue a new scheduling order with dates for mediation, prehearing conference and hearing.

DATE: August 4, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings